UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1995/1032
14 December 1995

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling all its previous resolutions and the statements of its President, in particular, the statement of its President of 6 November 1995 (S/PRST/1995/54),

Having considered the report of the Secretary-General of 8 December 1995 (S/1995/1024),

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the beginning of the continual round of talks between the Government of Tajikistan and the Tajik opposition in Ashgabat,

Commending the efforts of the Secretary-General and his Special Envoy as well as of the countries and regional organizations acting as observers at the inter-Tajik talks,

Emphasizing that the primary responsibility rests with the Tajik parties themselves in resolving their differences, and that the international assistance provided by this resolution must be linked to the process of national reconciliation and the promotion of democracy,

Recalling the commitments made by the Tajik parties to resolve the conflict and to achieve national reconciliation in the country exclusively through peaceful, political means on the basis of mutual concessions and compromises and stressing the inadmissibility of any hostile acts on the Tajik-Afghan border,

Recalling the joint appeal by the Presidents of the Republic of Kazakstan, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan and the Republic of Uzbekistan of 10 February 1995 addressed to the President of the Security Council (S/1995/136), the statements of Ministers of Foreign Affairs of these countries of 24 August and 30 September 1993, of 13 October 1994, of 26 January and 20 April 1995 addressed to the Secretary-General (S/26357, S/26610, S/1994/1178, S/1995/126 and S/1995/336),

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Taking note with appreciation of the statement of the Ministry of Foreign Affairs of the Russian Federation of 26 April 1995 that the Russian border forces and the Russian military personnel of the Collective Peace-keeping Forces of the Commonwealth of Independent States (CIS) stationed in Tajikistan, respecting and recognizing the agreements between the Tajik parties, do not violate them in the performance of their duties,

Expressing its satisfaction over the close contacts of the United Nations Mission of Observers in Tajikistan (UNMOT) with the parties to the conflict, as well as over its liaison with the CIS Collective Peace-keeping Forces, with the border forces and with the Mission of the Organization for Security and Cooperation in Europe (OSCE) in Tajikistan,

1. Welcomes the report of the Secretary-General of 8 December 1995;

2. Decides to extend the mandate of UNMOT until 15 June 1996 subject to the proviso that the Tehran Agreement of 17 September 1994 (S/1994/1102, annex 1) remains in force and the parties continue to be committed to an effective cease-fire, to national reconciliation and to the promotion of democracy and further decides that the mandate will remain in effect unless the Secretary-General reports that these conditions have not been met;

3. Requests the Secretary-General to continue to pursue, through the good offices of his Special Envoy and with the assistance of the countries and regional organizations acting as observers at the inter-Tajik talks, efforts to speed up the progress towards the establishment of a durable peace and national accord in Tajikistan;

4. Requests also the Secretary-General to report to the Council every three months on the progress towards a comprehensive political settlement of the conflict and on the operations of UNMOT;

5. Reiterates its call upon the parties to cooperate fully with UNMOT, and to ensure the safety and freedom of movement of United Nations personnel;

6. Regrets the slow rate of progress towards a political solution to the conflict in Tajikistan and emphasizes the need for the Tajik parties to take the opportunity of the continual round of talks in Ashgabat to reach a general agreement which will restore peace and national accord in their country in accordance with the provisions of the Protocol on the Fundamental Principles, signed by the President of the Republic of Tajikistan and the leader of the Islamic Revival Movement of Tajikistan on 17 August 1995 (S/1995/720, annex);

7. Calls upon the parties to cooperate fully with the Secretary-General's Special Envoy in order to achieve a comprehensive political settlement of the conflict through the inter-Tajik dialogue;

8. Calls also on the parties to implement without delay all the confidence-building measures to which they committed themselves during the fourth round of the inter-Tajik talks;

9. Encourages the continuation of direct political dialogue between the President of the Republic of Tajikistan and the leader of the Islamic Revival Movement of Tajikistan;

10. Emphasizes the absolute necessity for the parties to comply fully with all their obligations they have assumed and urges them, in particular, to observe strictly the Tehran Agreement of 17 September 1994 and to agree to its substantial extension;

11. Stresses the urgency of the cessation of all hostile acts on the Tajik-Afghan border and calls upon all States and others concerned to discourage any activities that could complicate or hinder the peace process in Tajikistan;

12. Encourages the relevant Afghan authorities to facilitate the arrangements that will permit the establishment of a liaison post at Taloqan in northern Afghanistan;

13. Underlines the need to develop further close cooperation between UNMOT and the parties to the conflict, as well as its close liaison with the CIS Collective Peace-keeping Forces, with the border forces and with the OSCE Mission in Tajikistan;

14. Welcomes the successful resettlement of the vast majority of internally displaced persons and refugees and the role played by the Office of the United Nations High Commissioner for Refugees in this effort and commends the activities of other agencies and organizations assisting the civilian population;

15. Welcomes the contributions to the voluntary fund established by the Secretary-General in accordance with its resolution 968 (1995), reiterates its encouragement to other States to contribute thereto and also welcomes the voluntary contribution made to UNMOT;

16. Decides to remain actively seized of the matter.

UNITED
NATIONS

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Security Council

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GENERAL

S/1995/1033
15 December 1995
ENGLISH
ORIGINAL: ENGLISH AND FRENCH

Argentina, Czech Republic, France, Germany, Italy, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia,

Reaffirming its commitment to a negotiated political settlement of the conflicts in the former Yugoslavia, preserving the territorial integrity of all States there within their internationally recognized borders,

Welcoming the signing on 14 December 1995 at the Paris Peace Conference of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex) by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and the other parties thereto,

Welcoming also the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995 (S/1995/1021, annex),

Welcoming further the conclusions of the Peace Implementation Conference held in London on 8 and 9 December 1995 (the London Conference) (S/1995/1029), and in particular its decision to establish a Peace Implementation Council and its Steering Board as referred to in those conclusions,

Paying tribute to the International Conference on the Former Yugoslavia (ICFY) for its efforts aimed at achieving a peace settlement and taking note of the decision of the London Conference that the Peace Implementation Council will subsume the ICFY,

Having considered the report of the Secretary-General of 13 December 1995 (S/1995/1031),

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Acting under Chapter VII of the Charter of the United Nations,

I

1. Welcomes and supports the Peace Agreement and calls upon the parties to fulfil in good faith the commitments entered into in that Agreement;

2. Expresses its intention to keep the implementation of the Peace Agreement under review;

3. Welcomes the progress made towards mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders;

4. Reaffirms its resolutions concerning compliance with international humanitarian law in the former Yugoslavia, reaffirms also that all States shall cooperate fully with the International Tribunal for the Former Yugoslavia and its organs in accordance with the provisions of resolution 827 (1993) of 25 May 1993 and the Statute of the International Tribunal, and shall comply with requests for assistance or orders issued by a Trial Chamber under article 29 of the Statute, and calls upon them to allow the establishment of offices of the Tribunal;

5. Recognizes that the parties shall cooperate fully with all entities involved in implementation of the peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, and that the parties have in particular authorized the multinational force referred to in paragraph 14 below to take such actions as required, including the use of necessary force, to ensure compliance with Annex 1-A of the Peace Agreement;

6. Welcomes the agreement by the Organization for Security and Cooperation in Europe (OSCE) to adopt and put in place a programme of elections for Bosnia and Herzegovina, at the request of the parties to Annex 3 of the Peace Agreement;

7. Welcomes also the parties' commitment, as specified in the Peace Agreement, to securing to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, stresses that compliance with this commitment is of vital importance in achieving a lasting peace, and welcomes the invitation by the parties to the United Nations Commission on Human Rights, the OSCE, the United Nations High Commissioner for Human Rights and other intergovernmental or regional human rights missions or organizations to monitor closely the human rights situation in Bosnia and Herzegovina;

8. Welcomes further the parties' commitment to the right of all refugees and displaced persons freely to return to their homes of origin in safety, notes

the leading humanitarian role which has been given by the Peace Agreement to the United Nations High Commissioner for Refugees, in coordination with other agencies involved and under the authority of the Secretary-General, in assisting with the repatriation and relief of refugees and displaced persons, and stresses the importance of repatriation being phased, gradual and orderly;

9. Emphasizes the importance of the creation of conditions conducive to the reconstruction and development of Bosnia and Herzegovina and encourages Member States to provide assistance for the programme of reconstruction in that country;

10. Underlines the relationship, as described in the conclusions of the London Conference, between the fulfilment by the parties of their commitments in the Peace Agreement and the readiness of the international community to commit financial resources for reconstruction and development;

11. Welcomes the agreement of the parties to Annex 1-B of the Peace Agreement that establishment of progressive measures for regional stability and arms control is essential to creating a stable peace in the region, emphasizes the importance of all Member States supporting their efforts to this end, and supports the OSCE's commitment to assist the parties with the negotiation and implementation of such measures;

II

12. Welcomes the willingness of the Member States acting through or in cooperation with the organization referred to in Annex 1-A of the Peace Agreement to assist the parties to the Peace Agreement by deploying a multinational implementation force;

13. Notes the invitation of the parties to the international community to send to the region for a period of approximately one year a multinational implementation force to assist in implementation of the territorial and other militarily related provisions of Annex 1-A of the Peace Agreement;

14. Authorizes the Member States acting through or in cooperation with the organization referred to in Annex 1-A of the Peace Agreement to establish a multinational implementation force (IFOR) under unified command and control in order to fulfil the role specified in Annex 1-A and Annex 2 of the Peace Agreement;

15. Authorizes the Member States acting under paragraph 14 above to take all necessary measures to effect the implementation of and to ensure compliance with Annex 1-A of the Peace Agreement, stresses that the parties shall be held equally responsible for compliance with that Annex, and shall be equally subject to such enforcement action by IFOR as may be necessary to ensure implementation of that Annex and the protection of IFOR, and takes note that the parties have consented to IFOR's taking such measures;

16. Authorizes the Member States acting under paragraph 14 above, in accordance with Annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures, to be established by the

Commander of IFOR, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. Authorizes Member States to take all necessary measures, at the request of IFOR, either in defence of IFOR or to assist the force in carrying out its mission, and recognizes the right of the force to take all necessary measures to defend itself from attack or threat of attack;

18. Demands that the parties respect the security and freedom of movement of IFOR and other international personnel;

19. Decides that, with effect from the day on which the Secretary-General reports to the Council that the transfer of authority from the United Nations Protection Force (UNPROFOR) to IFOR has taken place, the authority to take certain measures conferred upon States by resolutions 770 (1992) of 13 August 1992, 781 (1992) of 9 October 1992, 816 (1993) of 31 March 1993, 836 (1993) of 4 June 1993, 844 (1993) of 18 June 1993 and 958 (1994) of 19 November 1994 shall be terminated, and that the provisions of resolution 824 (1993) of 6 May 1993 and subsequent resolutions regarding safe areas shall also be terminated from the same date;

20. Requests the Government of Bosnia and Herzegovina to cooperate with the IFOR Commander to ensure the effective management of the airports in Bosnia and Herzegovina, in the light of the responsibilities conferred on IFOR by Annex 1-A of the Peace Agreement with regard to the airspace of Bosnia and Herzegovina;

21. Decides, with a view to terminating the authorization granted in paragraphs 14 to 17 above one year after the transfer of authority from UNPROFOR to IFOR, to review by that date and to take a decision whether that authorization should continue, based upon the recommendations from the States participating in IFOR and from the High Representative through the Secretary-General;

22. Decides also that the embargo imposed by resolution 713 (1991) of 25 September 1991 shall not apply to weapons and military equipment destined for the sole use of the Member States acting under paragraph 14 above, or of international police forces;

23. Invites all States, in particular those in the region, to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 14 above;

24. Welcomes the conclusion of the agreements concerning the status of forces as referred to in Appendix B to Annex 1-A of the Peace Agreement, and demands that the parties comply fully with those agreements;

25. Requests the Member States acting through or in cooperation with the organization referred to in Annex 1-A of the Peace Agreement to report to the Council, through the appropriate channels and at least at monthly intervals, the first such report be made not later than 10 days following the adoption of this resolution;

26. Endorses the establishment of a High Representative, following the request of the parties, who, in accordance with Annex 10 on the civilian implementation of the Peace Agreement, will monitor the implementation of the Peace Agreement and mobilize and, as appropriate, give guidance to, and coordinate the activities of, the civilian organizations and agencies involved, and agrees the designation of Mr. Carl Bildt as High Representative;

27. Confirms that the High Representative is the final authority in theatre regarding interpretation of Annex 10 on the civilian implementation of the Peace Agreement;

28. Decides that all States concerned, and in particular those where the High Representative establishes offices, shall ensure that the High Representative enjoys such legal capacity as may be necessary for the exercise of his functions, including the capacity to contract and to acquire and dispose of real and personal property;

29. Notes that close cooperation between IFOR, the High Representative and the agencies will be vital to ensure successful implementation;

30. Affirms the need for the implementation of the Peace Agreement in its entirety and, in this context, stresses the importance it attaches to the urgent implementation of Annex 11 of the Peace Agreement, decides to act expeditiously on the report of the Secretary-General recommending the establishment of a United Nations Civilian Police Force with the tasks set out in that Annex, together with a civilian office with the responsibilities described in the report of the Secretary-General, and further decides that in the interim civilian police, de-mining, civil affairs and other personnel that might be required to carry out the tasks described in that report shall continue in theatre, notwithstanding the provisions of paragraphs 33 and 34 below;

31. Stresses the need for early action in Sarajevo to create confidence between the communities and to this end requests the Secretary-General to ensure the early redeployment of elements of United Nations civilian police from the Republic of Croatia to Sarajevo;

32. Requests the Secretary-General to submit to the Council reports from the High Representative, in accordance with Annex 10 of the Peace Agreement and the conclusions of the London Conference, on the implementation of the Peace Agreement;

III

33. Decides that the mandate of UNPROFOR shall terminate on the date on which the Secretary-General reports to the Council that the transfer of authority from UNPROFOR to IFOR has taken place;

34. Approves the arrangements set out in the report of the Secretary-General on the withdrawal of UNPROFOR and headquarters elements from the United Nations Peace Force (UNPF), including the arrangements for the command and control of UNPROFOR following the transfer of authority from it to IFOR;

35. Expresses its warmest appreciation to all UNPROFOR personnel, who have served the cause of peace in the former Yugoslavia, and pays tribute to those who have given their lives and those who have suffered serious injuries in that service;

36. Authorizes the Member States acting under paragraph 14 above to use all necessary means to assist in the withdrawal of UNPROFOR;

37. Calls upon the parties to ensure the safety and security of UNPROFOR and confirms that UNPROFOR will continue to enjoy all existing privileges and immunities, including during the period of withdrawal;

38. Requests the Secretary-General to report to the Council when the withdrawal of UNPROFOR is complete;

IV

39. Recognizes the unique, extraordinary and complex character of the present situation in Bosnia and Herzegovina, requiring an exceptional response;

40. Decides to remain seized of the matter.

UNITED
NATIONS

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Security Council

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14 December 1995

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LETTER DATED 14 DECEMBER 1995 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Pursuant to the request contained in operative paragraph 1 of Security Council resolution 1021 (1995), I have the honour to inform you, and through you the members of the Council, that the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and other parties thereto formally signed the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively "the Peace Agreement") today, 14 December 1995, in Paris. The text of the Peace Agreement has already been issued as United Nations document A/50/790-S/1995/999.

I should be grateful if you would bring this letter, which constitutes the report referred to in operative paragraph 1 of Security Council resolution 1021 (1995), to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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